

## **REMARKS**

Receipt of the Advisory Action dated October 2, 2008 is acknowledged. This Amendment and Reply Under 37 C.F.R. § 1.114 is filed with a Request for Continued Examination, and fulfills the requirement for a “submission” under 37 C.F.R. § 1.114. Reconsideration and allowance of the present application is respectfully requested.

### **I. Status of the Claims**

Claims 1-57 and 63 were previously cancelled. Claim 58 is amended. This amendment does not introduce new matter. The foregoing amendment is made solely to advance prosecution and not in acquiescence to any rejection, reserving the right to file continuing applications directed to subject matter removed by amendment. Claims 58-62 and 64 are pending, with claim 58 being the sole independent claim.

### **II. Rejections under the written description requirement of 35 U.S.C. § 112, first paragraph are overcome**

The sole remaining rejection of claims 58-62 and 64 is based on the assertion that the specification does not provide the genus of peptides that are at least 90% identical to SEQ ID NO: 127 and which is capable of binding to livin- $\beta$ . Applicants respectfully traverse for reasons of record. Solely to advance prosecution, however, claim 58 has been amended to remove the element that forms the basis of the rejection, and the rejection is overcome. Reconsideration and withdrawal of the rejection is respectfully requested.

### III. Conclusion

It is respectfully believed that all bases of rejection are overcome and all claims are therefore allowable, and prompt confirmation of same is sought. The Examiner is encouraged to contact the undersigned if it is believed that this would expedite prosecution.

The Commissioner is hereby authorized to credit any overpayment, or charge any additional fees which may be required under 37 C.F.R. §§ 1.16-1.17, to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extensions under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 26, 2008

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